

**MINUTES****DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE OF THE WHOLE****September 1, 2009****Conference Room 520, 1 Mendota Road, West St. Paul, Minnesota****1. CALL TO ORDER AND ROLL CALL**

Commissioner Paul J. Krause, Chair of the Physical Development Committee of the Whole, called the meeting to order at 9:00 a.m. Commissioners in attendance:

Commissioner Joseph A. Harris, District 1  
Commissioner Kathleen Gaylord, District 2  
Commissioner Thomas Egan, District 3  
Commissioner Nancy Schouweiler, District 4  
Commissioner Liz Workman, District 5  
Commissioner Paul J. Krause, District 6

Those Commissioners absent:

Commissioner Willis E. Branning, District 7

Also in attendance were:

Brandt Richardson, County Administrator  
Lynn Thompson, Division Director  
Jay Stassen, Assistant County Attorney  
Jeanne Nash Hoffmann, Administrator Coordinator

**2. INTRODUCTION OF NEW STAFF**

Kristi Sebastian introduced Brad Trussell, the new signal maintenance technician with Transportation.

**3. AUDIENCE**

Chair Krause asked if anyone in the audience wished to address the Committee on an item not on the agenda or if anyone wished to discuss an item on the Consent Agenda. No one came forward.

**4. APPROVAL OF THE AGENDA**

**Motion by Commissioner Gaylord, Second by Commissioner Schouweiler**, and passed on a 6-0 vote (in the absence of Commissioner Branning) to approve the agenda for September 1, 2009, as presented.

**5. CONSENT/INFORMATION AGENDA**

**Motion by Commissioner Egan, Second by Commissioner Workman**, and passed on a 6-0 vote (in the absence of Commissioner Branning) to approve the consent agenda.

**5.1 – Minutes Of The August 11, 2009 Meeting****5.2 – Authorization To Execute Amendments To Joint Powers Agreements With Cities And Rural Solid Waste Commission For 2010 Funds**

WHEREAS, the County Board has provided performance-based funding for community programs since 1989; and

WHEREAS, the County Board has provided funding for a portion of the costs incurred by cities and the Rural Solid Waste Commission (RSWC) for operating local reduction, reuse, and recycling activities through an annual application process; and

WHEREAS, effective January 1, 1992, the County and the cities/RSWC entered into separate joint powers agreements (Agreements) to provide for cooperation and funding between the County and the cities/RSWC to implement and operate a local comprehensive landfill abatement program; and

WHEREAS, each year the Agreements are amended to revise funding amounts to reflect changes in the number of housing units and waste management priorities; and

WHEREAS, funds are allocated for operation and education, recycling containers, and Local Negotiated Initiative Funds (LNIF); and

WHEREAS, the Metropolitan Council's published housing data, an allocation per household, and base fund are used to determine the proposed fund allocation for operations and education; and

WHEREAS, in 2010, the recycling container funds are proposed for public area recycling; and

WHEREAS, the LNIF provides funding for cities or the RSWC to implement specific strategies that support Regional/Dakota County Solid Waste Master Plan outcomes, as part of a County/community workplan; and

WHEREAS, community funding amounts are established by the County Board each year, as part of the Environmental Management Department budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute amendments to the existing Joint Powers Agreements with cities and the Rural Solid Waste Commission to provide funding for 2010, as presented to the Physical Development Committee of the Whole on September 1, 2009, contingent upon the availability of funds and subject to funding levels approved by the County Board as part of the 2010 budget, and subject to approval by the County Attorney's Office as to form.

**5.3– Plat Commission Update** – Information only; no action was requested.

<b>6. REGULAR AGENDA</b>
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**6.1 – Master Plan Update For Lilydale Regional Park And Update on State, Federal, And Other Regional Parks in Dakota County**

Parks and Open Space Director Steve Sullivan introduced Alice Messer and Jodi Martinez from the City of St. Paul. Using display boards, the staff from St. Paul shared preferred development concepts for this floodplain park. Dakota County staff were involved in review of the alternatives; however, the park – even though it is located mostly in Dakota County - has been owned and operated by the City of St. Paul for many years.

County and city staff responded to questions regarding the proposed infrastructure which will be built above the 100 year floodplain, and the funding the city is using for this project. The timeframe for completion is 2013 or 2014.

This was an informational item; no action was requested.

**6.2 – Adopt Farmington Area Transportation Study, County Project 97-72**

Transportation Project Engineer John Sass briefed the Committee on the Farmington Area Transportation Study and responded to questions. He explained that the study was undertaken at this time because of the needs identified with the opening of the new Farmington High School. He outlined the study objectives which were to develop a long term vision for a network of arterial and collector road corridors and develop a safe and efficient corridor access vision. He explained that the preferred access vision would show no immediate traffic control

changes, and the conditions along the corridor will be monitored annually. Traffic control changes may be considered when thresholds have been exceeded.

**Motion by Commissioner Harris, Second by Commissioner Egan** and passed on a 6-0 vote (in the absence of Commissioner Branning) to recommend that the County Board adopt the following resolution.

WHEREAS, to promote safe and efficient transportation throughout the County and region, Dakota County partnered with City of Farmington to conduct a transportation study within the northwest Farmington area; and

WHEREAS, representatives of Dakota County, the City of Farmington, and Farmington School District, have participated as members of a Project Advisory Committee and have reviewed study findings and recommendations; and

WHEREAS, the study process involved the public through public open houses and elected official meetings; and

WHEREAS, the Farmington School District has constructed a new high school in Farmington that will open in the fall of 2009; and

WHEREAS, the City of Farmington is planning continued growth and development that will result in additional impacts to the area transportation system; and

WHEREAS, the County and City of Farmington are partnering to construct a segment of future County Road (CR) 64 to Trunk Highway 3 that will have an effect on traffic patterns in the Farmington area; and

WHEREAS, the study recommends including preliminary design efforts in the County and City Capital Improvement Programs for 2010 for CR 64 (195th Street) Corridor; and

WHEREAS, the study recommends maintaining existing two-way stop control at County State Aid Highway (CSAH) 50 (212th Street) at Flagstaff Avenue; and

WHEREAS, the study recommends a Long Term Roadway Network Vision to support future growth in the City of Farmington in a way that will result in a safe and efficient system of City and County roadways in the future; and

WHEREAS, the study recommends the 2030 CSAH 31 (Pilot Knob Road) Corridor Vision that provides a long term plan for the type and location of access along the corridor; and

WHEREAS, the Dakota County Engineer recommends adoption of County Project 97-72, Farmington Area Transportation Study.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the Farmington Area Transportation Study, as presented to the Physical Development Committee of the Whole on September 1, 2009.

### **6.3 – Determination Of Special Assessment Against Property Owned By Organic Conversion Corporation Related To Environmental Remediation**

Environmental Specialist George Kinney addressed the Committee and provided background on the property. Staff is recommending that the total cost of \$101,798.88 be assessed against the property. This amount includes staff time related to this property.

Ron Petrofske, 1571 East 200<sup>th</sup> Street, Hastings, and the fee owner on the property, addressed the Committee. He indicated that payments had not been paid to him on the contract with Organic Conversion and that he was starting foreclosure proceedings against them. He stated that if the County assessed the property, and he foreclosed on the property, he would be responsible for the payment of the assessment. Mr. Petrofske stated that he did not feel he should be responsible for the payment of this assessment. Discussion was held on this and another similar occurrence in the County in recent years.

**Motion by Commissioner Schouweiler, Second by Commissioner Egan** and passed on a 6-0 vote (in the absence of Commissioner Branning) to recommend that the County Board adopt the following resolution:

WHEREAS, Organic Conversion Corporation owns a 20 acre parcel of property located in Vermillion Township, Dakota County (PIN 39-02000-020-77) (Property) which was determined to be a nonconforming site under Dakota County Ordinance No. 110, section 14.00 (Ordinance 110) due to the presence of solid waste; and

WHEREAS, on November 29, 2005, Dakota County served Organic Conversion Corporation with a notice of violation (NOV) requiring it to remediate the Property; and

WHEREAS, Organic Conversion Corporation did not comply with the NOV and on February 13, 2006, Dakota County served Organic Conversion Corporation with an Abatement Notice pursuant to Ordinance 110, section 3.14(D); and

WHEREAS, Organic Conversion Corporation failed to remediate the Property as required by the Abatement Notice; and

WHEREAS, pursuant to the authority of the Abatement Notice, County staff entered the Property and remediated the Property; and

WHEREAS, staff has inspected the property and determined the solid waste on the site has been remediated in accordance with Ordinance 110; and

WHEREAS, the net cost incurred by the County to remediate the Property is \$101,798.88; and

WHEREAS, in accordance with Ordinance 110, section 3.14(D)(4), the Dakota County Board of Commissioners must determine what amount, if any, of the remediation costs incurred by the County should be assessed against the Property.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby applies the sum of \$101,798.88 against the property identified as PIN 39-02000-020-77 located in Vermillion Township, Dakota County, as a special assessment payable over 15 years, plus an interest rate of 4%; and

BE IT FURTHER RESOLVED, That in accordance with Ordinance 110, section 3.14(D)(4)(e), the costs recovered through the special assessment shall be reimbursed to the Dakota County Environmental Fund balance.

#### **6.4 – Update On Proposed Revision Of Dakota County Ordinance No. 113, Subsurface Sewage Treatment (Septic) Systems**

Ground Water Protection Supervisor Jill Trescott briefed the Committee and responded to questions. She explained the changes to Ordinance No. 113 that will be presented to the County Board for adoption at a future meeting.

This was an information item; no action was requested.

<b>DIRECTOR'S REPORT</b>
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Lynn Thompson provided her update to the Physical Development Committee:

1. Lynn provided a quick overview of the Senate Bonding Tour that will be held at Lake Byllesby Regional Park on September 3. Mark Krebsbach briefed on the recent new costs that have been shared with CTIB on Cedar Avenue. He explained that the unfunded budget is approximately \$17.5 (later determined to be \$17.7). Staff was directed to use the new cost in the material that is being provided to the Senate Bonding Tour.
2. Lynn then briefed on the House Bonding Tour that is scheduled for September 9. The Dakota County contingent will get onboard the bus at 1:30 at the 28<sup>th</sup> Street Station. They will travel past the new Apple

Valley Transit Station to CR 46 and west to the new Lakeville Park and Ride on I-35W. During this time, they will brief on Cedar Avenue and also on the Robert Street request.

3. Capitol Hill Lobbyist Barry Tilley briefly the Committee on the questions that will be asked on the two legislative tours: (1) did we spend the dollars that have been given to us; and (2) how soon can we spend the next funding if we get it. Commissioners and staff will be prepared to respond to these questions
4. Lynn then updated the Committee on the Regional Railroad Authority workshop that is scheduled for 4:00 on September 9. This will be held in Conference Room L139 of the Western Service Center. Invitations have been issued to all of the elected officials along the Cedar Avenue Transitway.

<b>ADJOURNMENT</b>
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**Motion by Commissioner Schouweiler, Second by Commissioner Harris** and passed on a 6-0 vote to adjourn the meeting at 10:55 a.m.

Respectfully submitted:

Jeanne Nash Hoffmann  
Administrative Coordinator